

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

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FILE: B-216349

DATE: September 24, 1984

MATTER OF: Brite-Lite Electrical Company, Inc.

DIGEST:

Solicitation provision designating a particular room for the receipt of bids does not preclude hand delivery of a bid to the bid opening room instead of the room so designated, and such a bid may be accepted if it is tendered to the appropriate official by the time set for bid opening.

Brite-Lite Electrical Company, Inc. protests the Veterans Administration's acceptance of a hand-carried bid delivered to the bid opening room instead of to the office designated in the solicitation for receipt of bids. We summarily deny the protest.

The protester states that, unlike all other hand-carried bids which were received in the designated room and time/date stamped, the low bid was delivered to the bid opening room and was not time/date stamped. Brite-Lite points to solicitation provisions stating that bids, to be considered, must be received at the office designated in the solicitation and that the only acceptable evidence of time of receipt of the bid is the time/date stamp or other documentary evidence, and suggests that these provisions preclude acceptance of the low bid.

There is no merit to this protest. We have long recognized that a bid may be hand-carried directly to a bid opening room and may be accepted if tendered by the time set for bid opening. See Hyster Co., 55 Comp. Gen. 267 (1975), 75-2 CPD ¶ 176; 40 Comp. Gen. 709 (1961). In the latter cited case, we dealt with an allegation similar to the one here. We pointed out that the "basic purpose" of the late bid rule "is to prevent opportunities for fraud or undue advantage," and that the requirement

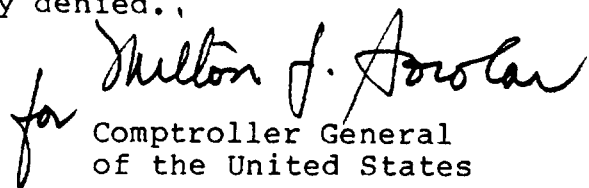
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of the rule is simply "that the bid should be in the hands of the bid opening officer . . . at the scheduled time for opening." 40 Comp. Gen., supra, at 710-11. We construed solicitation language stating that bids would be received in a particular room as notifying a bidder that "he may insure consideration of his bid by submitting it at the designated room within the designated time," but not as precluding submission of a bid "to the proper Government official, within the proper time. . . ." 40 Comp. Gen., supra, at 711. Consequently, we have consistently permitted the acceptance of bids hand-carried by bidders directly to the bid opening room. See Hyster Co., supra; Saint Louis Tuckpointing and Painting Co., Inc., B-212351.2, Nov. 18, 1983, 83-2 CPD ¶ 588

Moreover, the fact that the low bid was not time/date stamped does not preclude its acceptance, provided it was in fact delivered to the proper government official on time. See Hyster Co., supra, where the hand-carried bid also was not time/date stamped. The regulatory provision regarding time/date stamping, upon which the solicitation provisions relied on by the protester are based, permits the use of "other documentary evidence of receipt" in lieu of a time/date stamp on the bid, and in any event applies to mailed bids, not hand-carried bids. See Federal Acquisition Regulation, § 14.304-1(c), 48 Fed. Reg. 41,102, 42,178 (1983) (to be codified at 48 C.F.R. § 14,304-1(c)).

The protest is summarily denied..

for 
Comptroller General
of the United States